REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-2, 4-9 and 11-20 are pending in this application. By this Amendment claims 1-2, 4, 8-9, 11, 15-16 and 20 are amended. Claims 3 and 10 are cancelled. No new matter is added. Claims 1, 8, 15, and 20 are the independent claims.

Rejections under 35 U.S.C. § 102

Claims 1-3, 6-7, 13-15, and 18-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Choi et al. (US Patent 7,120,132, hereafter "Choi"). Applicants respectfully traverse this rejection for the reasons detailed below.

Claim 1 is amended to include the subject matter of claim 3 and recites *inter alia*, "such that subframes of said first and second channels transmitted in the uplink **do not overlap** with uplink transmission of a subframe of said third channel." The Examiner relies on Col. 7, Ln. 63-65 of Choi to disclose the above limitation. However, as disclosed at Col. 7, Ln. 63-65 and further illustrated by elements 302 (uplink DPCH) and 307 (scrambling code) in Fig. 3 of Choi, the scrambling code is only disclosed to be "**not time-aligned** with the frame start point in the uplink DPCH." Therefore, while the time offsets of elements of 302 and 307 may be different, elements 302 and 307 **still overlap**, as shown in Fig. 3 of Choi. Therefore, Choi fails to disclose or teach "that subframes of said first and second channels transmitted in the uplink **do not overlap** with uplink transmission of a subframe of said third channel," as recited in claim 1.

For at least the foregoing reasons, amended claim 1 is patentable over Choi. Amended independent claims 8 and 15 are at least somewhat similar to claim 1 and therefore patentable for at least somewhat similar reasons. Dependent claims 2, 6-7, 13-14 and 18-19 are patentable by

virtue of their dependency on one of independent claims 1, 8 and 15. Claim 3 is cancelled.

Applicants, therefore, respectfully request that the rejection to claims 1-3, 6-7, 13-15, and 18-19

under 35 U.S.C. § 102(e) be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 4-5, 8-12, 16-17, and 20 are rejected under 35 U.S.C. § 103(a) as being

unpatentable over Choi in view of Willenegger (US Patent Publication No. 2006/0141953,

herafter "Willenegger"). Applicants respectfully traverse this rejection for the reasons detailed

below.

Even assuming *arguendo* that Choi and Willenegger could be combined (which

Applicants do not admit), Willenegger still fails to remedy the deficiencies of Choi with respect

to amended claim 1. Amended independent claims 8, 15 and 20 are at least somewhat similar to

amended claim 1 and therefore patentable for at least somewhat similar reasons. Dependent

claims 4-5, 9-12, and 16-17 are patentable by virtue of their dependency on one of amended

independent claims 1, 8 and 15. Applicants, therefore, respectfully request that the rejection to

the above claims be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

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